

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRENDA K. SITRON
Plaintiff,

v.

Case No. 13-C-0968

CAROLYN W. COLVIN,
Acting Commissioner of the Social Security Administration
Defendant.

ORDER

On May 27, 2014, I affirmed the Commissioner's denial of plaintiff's application for social security disability benefits. The Clerk entered judgment the same day. On August 11, 2014, plaintiff requested additional time to file an appeal, citing her ongoing medical problems.

Where one of the parties to a civil suit is the United States or its officer or agency, a notice of appeal must be filed within 60 days after entry of judgment. McCarty v. Astrue, 528 F.3d 541, 544 (7th Cir. 2008) (citing Fed. R. App. P. 4(a)(1)(B)). The district court may extend the time to file a notice of appeal if: (i) a party so moves no later than 30 days after the time prescribed by Rule 4(a) expires; and (ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by Rule 4(a) expires, that party shows excusable neglect or good cause. Fed. R. App. P. 4(a)(5)(A). A motion filed before the expiration of the time prescribed in Rule 4(a)(1) may be ex parte, but if the motion is filed after the expiration of the prescribed time notice must be given to the other parties. Fed. R. App. P. 4(a)(5)(B). Plaintiff's request comes after the 60 day period. I will therefore obtain a response from the

Commissioner.¹

IT IS ORDERED that the Commissioner respond to plaintiff's request for extension of time on or before **August 22, 2014**.

Dated at Milwaukee, Wisconsin this 15th day of August, 2014.

/s Lynn Adelman
LYNN ADELMAN
District Judge

¹In her letter request, plaintiff also inquires about waiver of appellate fees. I will direct the clerk to send plaintiff, along with a copy of this order, copies of this district's pro se IFP and notice of appeal forms.